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OFFICE OF PETITIONS

Patent No. 7,000,035 : LETTER REGARDING
Issue Date: February 14, 2006: PATENT TERM ADJUSTMENT
Application No. 09/786,560 : AND
Filed: March 6, 2001 : NOTICE OF INTENT TO ISSUE
Atty Docket No. 9683/81 : CERTIFICATE OF CORRECTION

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT" filed February 15, 2006. Pursuant to patentees' duty of good faith and candor to the Office, patentees indicate that the Patent Term Adjustment of seven hundred eighteen (718) days indicated on the patent may extend the term of the patent by too many days.

The request for reconsideration of patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of six hundred twenty-one (621) days.

On February 14, 2006, this application matured into U.S. Patent No. 7,000,035, with a revised patent term adjustment of 718 days. Patentees do not state the basis of their assertion that the PTA of 718 days may be incorrect.

Nonetheless, a review of the application history reveals that an additional period of reduction of 97 days should have been entered. As the amendment filed March 7, 2005, was not in compliance with § 1.113(c), the period for reply to the final


rejection mailed December 9, 2004, continued to run. See Advisory Action mailed March 18, 2005. The proper reply, a Notice of Appeal, was not received in the Office until June 14, 2005. Accordingly, the reduction began March 10, 2005, the day after the date that is three months after the date of mailing of the final rejection, and ended June 14, 2005, the date the Notice of Appeal was filed.

In view thereof, the patent should have issued with a revised patent term adjustment of six hundred twenty-one (621) days.

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by six hundred twenty-one (621) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized initial "N" and "J".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,000,035 B1
DATED : February 14, 2006
INVENTOR(S) : Hideo Uchizono et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (718) days

Delete the phrase "by 718" and insert – by 621 days--